

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re: Rosuvastatin Calcium Patent Litigation	Civ. No. 08-md-1949
AstraZeneca Pharmaceuticals LP, AstraZeneca UK Limited, IPR Pharmaceuticals Inc., and Shionogi Seiyaku Kabushiki Kaisha, Plaintiffs, v. Mylan Pharmaceuticals Inc., Defendant.	Civ. No. 07-805-JJF-LPS
AstraZeneca Pharmaceuticals LP, AstraZeneca UK Limited, IPR Pharmaceuticals Inc., and Shionogi Seiyaku Kabushiki Kaisha, Plaintiffs, v. Sun Pharmaceutical Industries Ltd., Defendant.	Civ. No. 07-806-JJF-LPS
AstraZeneca Pharmaceuticals LP, AstraZeneca UK Limited, IPR Pharmaceuticals Inc., and Shionogi Seiyaku Kabushiki Kaisha, Plaintiffs, v. Sandoz Inc., Defendant.	Civ. No. 07-807-JJF-LPS

<p>AstraZeneca Pharmaceuticals LP, AstraZeneca UK Limited, IPR Pharmaceuticals Inc., and Shionogi Seiyaku Kabushiki Kaisha, Plaintiffs, v. Par Pharmaceutical, Inc., Defendant.</p>	<p>Civ. No. 07-808-JJF-LPS</p>
<p>AstraZeneca Pharmaceuticals LP, AstraZeneca UK Limited, IPR Pharmaceuticals Inc., and Shionogi Seiyaku Kabushiki Kaisha, Plaintiffs, v. Apotex Inc. and Apotex Corp., Defendants.</p>	<p>Civ. No. 07-809-JJF-LPS</p>
<p>AstraZeneca Pharmaceuticals LP, AstraZeneca UK Limited, IPR Pharmaceuticals Inc., and Shionogi Seiyaku Kabushiki Kaisha, Plaintiffs, v. Aurobindo Pharma Ltd. and Aurobindo Pharma USA Inc., Defendants.</p>	<p>Civ. No. 07-810-JJF-LPS</p>
<p>AstraZeneca Pharmaceuticals LP, AstraZeneca UK Limited, IPR Pharmaceuticals Inc., and Shionogi Seiyaku Kabushiki Kaisha, Plaintiffs, v. Cobalt Pharmaceuticals Inc. and Cobalt Laboratories Inc., Defendants.</p>	<p>Civ. No. 07-811-JJF-LPS</p>

AstraZeneca Pharmaceuticals LP, AstraZeneca UK Limited, IPR Pharmaceuticals Inc., and Shionogi Seiyaku Kabushiki Kaisha, Plaintiffs, v. Aurobindo Pharma USA Inc. and Aurobindo Pharma Limited Inc., Defendants.	Civ. No. 08-359-JJF-LPS
AstraZeneca Pharmaceuticals LP, AstraZeneca UK Limited, IPR Pharmaceuticals Inc., and Shionogi Seiyaku Kabushiki Kaisha, Plaintiffs, v. Teva Pharmaceuticals USA, Inc. Defendant.	Civ. No. 08-426-JJF-LPS

**[PROPOSED] FIFTH STIPULATED AMENDMENT TO
APRIL 11, 2008 SCHEDULING ORDER AS AMENDED ON
SEPTEMBER 26, 2008, JANUARY 26, 2009, APRIL 10, 2009, AND JULY 20, 2009**

WHEREAS, on April 11, 2008, this Court entered a Scheduling Order in Civil Action Nos. 1:07-cv-00805, 1:07-cv-00806, 1:07-cv-00807, 1:07-cv-00808, 1:07-cv-00809, 1:07-00810, and 1:07-cv-00811 (the "Scheduling Order"), a copy of which is attached as Attachment A;

WHEREAS, on September 3, 2008, the Court entered an order modifying Paragraph 17 of the Scheduling Order to change the date and time of the tutorial to January 23, 2009, beginning at 10 a.m.;

WHEREAS, on September 26, 2008, the Court entered a Stipulated Amendment to the Scheduling Order (the "Amended Scheduling Order") (Civ. No. 08-md-01949, D.I. 10)

modifying Paragraphs 2, 4(c), 4(f), 4(g) and 8 of the April 11, 2008 Scheduling Order, a copy of which is attached as Attachment B;

WHEREAS, on January 26, 2009, the Court entered a Stipulated Amendment to the Scheduling Order (the "Second Amended Scheduling Order") (Civ. No. 08-md-01949, D.I. 49) modifying Paragraphs 2, 4(c), 4(f), 4(g), 4(h), and 8 of the September 26, 2008 Amended Scheduling Order, a copy of which is attached as Attachment C;

WHEREAS, on April 10, 2009, the Court entered a Stipulated Amendment to the Scheduling Order (the "Third Amended Scheduling Order") (Civ. No. 08-md-01949, D.I. 146) modifying Paragraphs 2, 4(f), 4(g), 4(h), 8, and 11 of the January 26, 2009 Second Amended Scheduling Order, a copy of which is attached as Attachment D;

WHEREAS, on July 20, 2009, the Court entered a Stipulated Amendment to the Scheduling Order (the "Fourth Amended Scheduling Order") (Civ. No. 08-md-01949, D.I. 248) modifying Paragraph 4(g) of the April 10, 2009 Third Amended Scheduling Order, a copy of which is attached as Attachment E;

WHEREAS, Civil Action Nos. 1:08-md-01949, 1:07-cv-00805, 1:07-cv-00806, 1:07-cv-00807, 1:07-cv-00808, 1:07-cv-00809, 1:07-cv-00810, 1:07-cv-00811, 1:08-cv-00359, and 1:08-cv-00426 shall be referred to herein collectively as the "Related Actions";

WHEREAS, the parties to the Fourth Amended Scheduling Order (Civ. No. 08-md-01949, D I 248) jointly request to modify the Fourth Amended Scheduling Order in certain respects, as set forth below (the proposed "Fifth Amended Scheduling Order"):

SCHED. ORDER PARA.	EVENT	CURRENT DATE	PROPOSED REVISED DATE
¶ 4(g)	Daubert Motions	September 4, 2009	September 21, 2009
¶ 11	Dispositive Motions	September 4, 2009	September 11, 2009
¶ 11	Oppositions – Dispositive Motions	September 25, 2009	October 9, 2009
¶ 11	Replies – Dispositive Motions	October 9, 2009	October 23, 2009

IT IS HEREBY STIPULATED by and between the parties hereto, by their respective undersigned counsel of record herein, that the proposed Fifth Amended Scheduling Order shall apply to the Related Actions, subject to the Court's modifications or instructions.¹

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ABRAMS & LASTER LLP <u>/s John M. Seaman</u> Kevin G. Abrams John M. Seaman (#3868) 20 Montchanin Road, Suite 200 Wilmington, DE 19807 seaman@abramslaster.com <i>Counsel for Sun Pharmaceutical Industries</i>	POTTER ANDERSON & CORROON LLP <u>/s/ Richard L. Horwitz</u> Richard L. Horwitz (#2246) David E. Moore (#3983) Hercules Plaza 1313 N. Market St., 6 th Floor Wilmington, DE 19801 dmoore@potteranderson.com <i>Counsel for Apotex Inc. and Apotex Corp.</i> <i>Counsel for Cobalt Pharmaceuticals Inc. and Cobalt Laboratories Inc.</i>

¹ Pursuant to the Amended Scheduling Order entered September 26, 2008 (Civ. No. 08-md-01949, D.I. 10), paragraphs 11, 14, 15 and 16 of the April 11, 2008 Scheduling Order are treated differently with respect to Civ. No. 08-cv-359 (Aurobindo NJ, Transferred Action). Paragraph 11 is modified only in respect to the timing of dispositive motions, which is the same in the Aurobindo NJ, Transferred Action as it is in all other actions. Paragraphs 14, 15 and 16 are not modified in this Fifth Amended Scheduling Order.

STEVENS & LEE P.C. <u>/s/ Joseph H. Huston, Jr.</u> Joseph H. Huston, Jr. (#4035) 1105 North Market Street, 7 th Floor Wilmington, DE 19801 jhh@stevenslee.com <i>Counsel for Teva Pharmaceuticals USA, Inc.</i>	BAYARD, P.A. <u>/s/ Richard D. Kirk</u> Richard D. Kirk (#922) 222 Delaware Avenue, Suite 900 Wilmington, DE 19899-5130 rkirk@bayardfirm.com <i>Counsel for Aurobindo Pharma USA Inc. and Aurobindo Pharma Limited Inc.</i>
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SO ORDERED this 1ST day of September, 2009.


United States Magistrate Judge